

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES EDWARD GRANT,

ORDER

Petitioner,

09-cv-79-slc

v.

DANE COUNTY ADMINISTRATION/JAIL STAFF,
DEBRA BARTH, R. PHILLIPS, DC INSTITUTION,
DODGE CORRECTIONAL INSTITUTION,
HELEN, Business Office, SGT HAAS and
OFFICER WILD (D.C.I.),

Respondents.

On February 19, 2009, I denied petitioner James Grant's request for leave to proceed in forma pauperis in this action because he is ineligible for in forma pauperis status under 28 U.S.C. § 1915(g). I told petitioner that if, by March 12, 2009, he failed to pay the \$350 fee for filing his case, the clerk of court was to close the file. When petitioner did not pay the filing fee as directed, his case was closed on March 19, 2009.

Now petitioner has filed a new complaint in which he seeks money damages from the "Dodge Correctional Institution," "Dane County Jail Staff Administration" and "Sauk County Administration" for oppressing and dehumanizing him. In particular, he complains

that 1) he has received vegetarian meals instead of meals with chicken and fish; 2) he was not given a diet in accordance with his “beliefs”; 3) he was refused an egg crate mattress; 4) he was refused a pillow while Huber inmates got them; and 5) his cell is lit 24 hours a day.

Because this case is closed, I construe petitioner’s new complaint to include a motion to reopen the case. That motion will be denied.

First, petitioner still has not paid the \$350 for filing this case. Second, his new complaint raises claims that have nothing to do with the claims he raised in his original complaint in this case. The original complaint challenges petitioner’s alleged denial of an “indigent phone card” and “T.V. cell,” interference with his mail, jail officials’ disclosure to his “female friends” that petitioner was being investigated for stalking and sexual harassment, his placement on administrative confinement in 2003 and 2004 for defending himself in a fight, and his being overcharged for postage.

If petitioner wants to file a new complaint challenging the nature of his diet, bedding and lighting, he will have to do so in a new lawsuit. He cannot avoid a new filing fee by filing an unrelated complaint in a case for which he already owes a filing fee.

ORDER

IT IS ORDERED that plaintiff's motion to reopen this case (dkt. #5) is DENIED.

Entered this 30th day of March, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge